

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**WEALTH TAX REFERENCE NO. 238 OF 1996****For Approval and Signature:****HONOURABLE MR.JUSTICE R.S.GARG****HONOURABLE MR.JUSTICE M.R. SHAH**

=====

1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the
Constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the Civil
Judge?

=====

THE COMMISSIONER OF WEALTH TAX - Applicant(s)**Versus****MAITREYA BALKRISHNA (HUF) - Opponent(s)**

=====

Appearance :

MR. MANISH R. BHATT for Applicant(s).

NONE for Opponent(s).

=====

CORAM : HONOURABLE MR.JUSTICE R.S.GARG**and****HONOURABLE MR.JUSTICE M.R. SHAH****Date : 25/07/2006****ORAL JUDGMENT****(Per : HONOURABLE MR.JUSTICE R.S.GARG)**

Present is a Reference at the instance of the
Revenue and the following question has been referred to

us for our opinion.

“Whether the Appellate Tribunal is right in law and on facts in deleting the addition made on account of life interest in Maitreya Children Trust?”

In an identical situation, dealing with the life interest in the property, we have answered the reference against the interest of the Revenue in Wealth Tax Reference No.80 of 1995 *vide* our judgement dated 19th July, 2006. We do not find any reason to take a different view. Accordingly, the Reference is answered against the Revenue and in favour of the assessee. The Reference stands disposed of. No costs.

[*R.S.Garg, J.*]

[*M. R. Shah, J.*]

*kamlesh**